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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,507	10/08/1999	RYUICHI SHIOHARA	Q56144	3387

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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

10

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,507

Applicant(s)

SHIOHARA ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 –24 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The proposed drawings were received on 10/24/2003. These drawings are Figs. 2(a) – (c) and 10.

New corrected drawings are required in this application because the proposed drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 4, 7 – 14 and 17 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (US 6,006,039) in view of Tobita et al (US 6,421,279).

Regarding claim 11, Steinberg discloses a digital camera (10) for recording image data by converting an image pickup light photoelectrically (see Figs. 1 & 4; col. 1, lines 27-29), comprising:

external program reception means (122) for receiving a program recorded on an external recording medium (PC 14), which is connected thereto exchangeably, to store the program into a recording medium (programmable memory 126) provided thereon (see Figs. 1 - 4; col. 4, lines 16-38; col. 5, lines 16-58);

execution control means (122) for reading out the program from the recording medium (126) at a desired time to execute the read out program (see col. 4, lines 40-44; col. 7, lines 14-19).

Steinberg teaches that the programmable memory (126) is implemented by CMOS, disks or any form of removable storage device for storing a program received from the external source (see Figs. 2 & 4; col. 5, lines 53-59). Steinberg does not explicitly teach that the processor writes a write inhibit flag into a directory of the programmable memory after the program is written into the memory.

However, as taught by Tobita, it is well known that a CMOS memory (e.g., Flash memory 4031) is written with a write inhibit flag (4052) into the directory of the Flash memory

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(see Fig. 92) to avoid an accident erasure of data as described in col. 52, lines 47-56 and col. 53, lines 14-30.

Therefore, it would have been obvious to one of ordinary skill in the art to enable the processor to write a write inhibit flag into the programmable memory in Steinberg after the program is written into the memory for protecting the program from an accident erasure.

Regarding claim 12, the claimed limitations are analyzed with respect to claim 11. In addition, the communication line (cable 30) is used for transferring data from a computer to the camera (see Fig. 1; col. 3, lines 54-56).

Regarding claim 13, Steinberg does not expressly disclose program deleting means for deleting a desired program from the recording medium provided thereon and the write inhibit flag to be replaced by a write enable flag.

Tobita teaches that the Flash memory is able to be rewritten by a command input from a user for instructing the processor to write new data into the memory by action (1) in which the write inhibit flag is replaced with a write enable flag (write inhibit flag off) (see col. 53, lines 14-30 and col. 52, lines 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art to enable the digital camera in Steinberg with deleting means for deleting a program that would be old or have not been used for a long time to update with a new program so that a highly operable camera would be always realized.

Regarding claim 14, the claimed limitation is analyzed with respect to claim 13.

Regarding claim 17, the program is a communication program for communicating data with a terminal device connected to the communication line (see col. 4, lines 49-52).

Regarding claim 18, the claimed limitation is analyzed with respect to claim 17.

Regarding claim 19, Steinberg discloses that the image data is recorded onto the recording medium provided thereon (see col. 7, lines 20-25).

Regarding claim 20, the claimed limitation is analyzed with respect to claim 19.

Regarding claims 21 – 24, the claimed limitations are analyzed in claim 11, wherein Tobita discloses that the recording medium is a Flash memory, which is also a CMOS memory as suggested by Steinberg.

Regarding claim 1, the claimed limitations are analyzed with respect to claim 11.

Regarding claim 2, the claimed limitations are analyzed with respect to claim 12.

Regarding claims 3 & 4, the claimed limitations are analyzed with respect to claim 13.

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Regarding claims 7 & 8, the claimed limitations are analyzed with respect to claim 17.

Regarding claims 9 & 10, the claimed limitations are analyzed with respect to claim 19.

4. Claims 5, 6, 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg and Tobita as applied to claims 1, 2, 11 and 12 above and in further view of Ogawa et al (JP 09-046577).

Regarding claim 15, Steinberg and Tobita do not teach that the program is program for generating print image data and print data transmitting means for transmitting the print image data generated by executing the program to a printing device. However, Ogawa teaches an image pickup equipment (40) that downloads a printer driver program from a computer or a remote control, and by transmitting the image data photographed to the printer driver to a printer (42). It becomes possible to perform direct printing of image to the printer from the image pickup equipment (see Figs. 1 & 4; page 3, paragraph [0023]).

Therefore, it would have been obvious to one of ordinary skill in the art to download a printer driver program from a computer to the camera via a communication device and then to execute the program so that direct printing of image to the printer from the camera becomes possible.

Regarding claim 16, the claimed limitations are analyzed with respect to claim 15.

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Regarding claims 5 & 6, the claimed limitations are analyzed with respect to claim 15.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

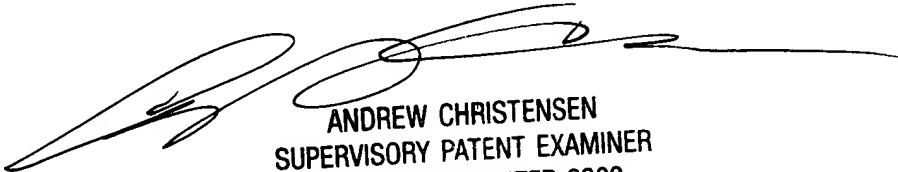
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NT.



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600